

Region 4 Goal 1 State and Tribal Regional Issue/Priority Paper

How information was gathered

The Region sent a letter to the Region 4 State Environmental Commissioners and Tribal Chiefs requesting their input on the strategic plan and their programmatic priorities. As a supplement to the letter, the APTMD followed up with an email to all of the State and Local Air Directors requesting input. Finally, a call was held with all of the State and Local Air Directors to discuss and solicit direct feedback on the strategic plan. Seven of the 24 state and local agencies were present on the call, but no direct feedback given from the participating agencies.

We received copies of strategic plans or programmatic priorities from the States of North Carolina, Georgia, Florida, Alabama, Kentucky, and Tennessee. These states did not identify any issues inconsistent with the Agency's strategic plan as now structured. Below is a summary table of the priorities identified by each state. In addition, the State of Tennessee submitted specific areas of interest on each of the Goal 1 sub-objectives. We have identified a few of the major comments for each of their identified priorities in the table below.

Description of key state issues/priorities

State	Priorities	Additional Strategic Plan Comments
North Carolina	-Global Warming/Climate Change - -Continue to implement Clean Smokestacks Act	None
Florida	-Pursue voluntary agreements to reduce emissions from power plants -Create capacity to advance new and emerging energy technologies -Increase energy efficiency	None
Alabama	-All areas will meet the new NAAQS for ozone and PM fine by 2012 and 2018 respectively -Improve visibility by 2018 in Class 1 areas by reducing regional haze -Reduce levels of non-criteria air pollutants (Air Toxics)	None
Kentucky	Develop and implement a statewide air toxics reduction program that improves air quality and reduces risks to Kentucky's citizens.	None
Tennessee	Listed in order of priority - Healthier outdoor air - Enhance science and research - Healthier indoor air	- Help needed to reduce mobile sources emissions of not only NOx and SOx but air toxics - Fuels and engine preemptions in the CAA prohibit state regulations for air pollution purposes in most cases - Indoor air contaminants continues to present a problem - Need better information about acceptable ambient exposure limits for air toxics to help in risk assessments to the public - Integrate P2 into all programs

Georgia	<ul style="list-style-type: none"> - Attain and maintain all NAAQS and develop and implement programs in a timely manner, which address interstate and international transport adversely impacting air quality. - Attain Federal visibility standards - Manage Georgia's air quality so that concentrations of non-criteria air toxic pollutants are minimized to protect public health. 	
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Region 4 Goal 2 Regional State and Tribal Issue/Priority Paper

How information was gathered

The Region sent a letter to our State Commissioners and Tribal Chiefs requesting their input on the Strategic Plan and their program priorities. In addition, individual meetings were held with our states Water program managers to discuss ways of achieving Goal 2, Clean and Safe Water. We also held teleconferences with states and reviewed State strategic plans and documents. This subject has also been discussed at several State Water Division Director meetings with the Region. Finally, it has been a subject of both 106 Grant Workplans and PPA revisions in the Region.

Description of key state issues/priorities

- Our states consistently rank as a top priority the need to maintain and improve the quality of drinking water supplied by public water systems. Included here is the need to provide assistance to all public water systems to ensure they have the necessary managerial, technical and financial capabilities to comply with Safe Drinking Water Act requirements. Also related to this priority is the need to continue to encourage water systems to implement source water protection activities. Several of our states feel targets under 2.1.1 are unreasonable given the recent new rules. We are aware of a Headquarters Working Group involving the Association of State Drinking Water Administrators is underway and recommendation from this workgroup should be seriously considered.
- Another issue for our states is the limited resources available to meet all the monitoring (and assessment) needs to support strategic measures as well as program activities such as TMDL development, Rotating Basin Strategies, etc. The Strategic Plan could better recognize this issue and the need for prioritization. The recent ('06) addition of a PAM for having assessment information available through the Assessment Data Base (or a compatible system) is a step in right direction. More thought could be given to identifying essential efforts required by a state monitoring/assessment program (such as support of Strategic Plan measures) via the PAMs, and then having Agency resources directed to supporting these efforts.
- For our coastal states, a continuing priority is to address coastal water quality through beach monitoring, but also to address nonpoint source pollution in coastal watersheds. Many of the coastal areas in the Southeast are experiencing rapid development and its effects on water quality. Linkages need to be made at the strategic target and program activity level to better integrate these areas into a comprehensive coastal strategy for the Agency.
- Due to recently litigation, the development of TMDLs, and their subsequent implementation is a priority issue for most of our states. Many of our states would like to use the development of TMDLs as a catalyst for good watershed management, supported by their other programs such as the 319 Nonpoint Source Program. Unfortunately, the current strategic targets under 2.2.1a, b, and Measure L, present some significant challenges to measuring progress.

Measure 2.2.1a needs modification to reflect appropriate scale and incremental progress. The 2.2.1 b target, as currently presented, should be eliminated, as we have never identified a consistent methodology for measuring it. There does need to be a way of measuring maintenance and progress. We also need a way of measuring incremental progress under Measure L. The related PAMs also need to be reduced in number and aligned to move us toward achieving the strategic targets under 2.2.1.

Goal 3 Region 4 State and Tribal Regional Issue/Priority Paper

How information was gathered

The Region sent a letter to the Region 4 State Commissioners requesting their input on the strategic plan and their programmatic priorities. As a supplement to the letter discussions were held between Region 4 and State waste program staff.

Description of key state issues/priorities

The relationship among the eight States and the Region continues to be aligned with Regional priorities for land preservation and restoration as presented in the current EPA and Region 4 Strategic Plans. Management of hazardous/solid waste property relies substantively on grant funding and contract support in Superfund and on an aggressive RCRA process administered by the by seven of our States through the authorized RCRA program. delegation. All eight States mirror the priorities of the Region, even though in Superfund we focus on NPL sites and States on State-lead sites, and in RCRA through the commitments consistent with the authorized Subtitle C program. delegations. EPA and States collaborate positively.

Building on common priorities, specific initiatives have been emphasized by the States; these can be beneficial to other States as well:

a. One of the key priority activities expressed by all the States is the “clean up and restoration of properties” and its leveraging of private funds to revitalize abandoned or underutilized (brownfields discussed in our Goal 4 paper) or contaminated properties arising out of Superfund, RCRA, UST, Federal Facilities programs. The State of North Carolina’s creation of regional open space plans, Florida’s “Florida Forever,” and Kentucky’s PACE and Heritage Land Conservation Fund Board Initiatives represent programs which are models of possibilities to focus public and private efforts to conserve land and waters for multiple benefits.

b. FY05 was the first year our HQ program negotiated Regional specific measurable outputs to support the National program commitments. These goals were factored into the FY05 negotiations with States in the RCRA program. They were not specifically factored into the FY05 negotiations in the Superfund program, however they will be negotiated in both programs as part of the FY06 award. These GPRA goals were not factored into our FY05 grant negotiations with the States, but will be negotiated as part of the FY06 award. The States are fully aware and in agreement with the FY06 RCRA permitting and Corrective Action goals and National program commitments as outlined in the National Program Guidance. In the Superfund program, t The States are in a transition from establishing and developing response programs to implementing site specific assessment and cleanup activities. Thus, they have been reluctant committing to a specific number of assessments and cleanups as part of their response program. The National Program Guidance has not clearly identified the State’s role in EPA’s national priorities for addressing Brownfields. This will need to be articulated clearer in the future to identify the State’s role and contribution to this Strategic Plan.

c. In the upcoming Fiscal Year a number of Regions, through a funding from HQ, will implement a comprehensive scrap tire management program. The inventory of sites and appropriate controls over scrap tires can benefit all States.

d. Partnership of the States with other federal agencies (DOE and DOD) also have seen success and continues to emphasize comprehensive land preservation and restoration for this and upcoming Fiscal Years.

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Region 4 Goal 4 State and Tribal Regional Issue/Priority Paper

How information was gathered

The Region sent a letter to the State Commissioners, Tribal Chiefs and Agricultural Secretaries requesting their input on the Strategic Plan and their program priorities. Additional discussions were held between our Region 4 programs and their State counterparts. We received input from the States of North Carolina, Georgia, Florida, Alabama, Kentucky and Tennessee.

Description of key state issues/priorities

Most of the States providing priorities under Goal 4 emphasized specific geographic priorities in their States and multi-media related issues. The architecture in the existing Strategic Plan is not adequate to address these issues. Although we have a goal title implying we are dealing with place-based issues in a multi-media way, we now have budget driven stove-pipe objectives and sub-objectives which are no different from the other goals. We suggest one way to deal with the types of issues our States are presenting would be to organize all the objectives and sub-objectives in Goal 4 by types of ecosystems with funding available from multiple NPMs for each objective. We will now present some examples of the types of issues/priorities we got from our States:

Restore Florida's Everglades

Protect Florida's Springs

Sustainable Sandhills Initiative (SSI) and Sustainable Environment for Quality of Life (SEQL)

Endangered Species Conservation Strategy

Southeast Regional Partnership for Planning and Sustainability (partnership between the Department of Defense, other Federal agencies, and the States of FL, GA, SC, and NC)

Albemarle-Pamlico National Estuary Program

Collaborate with the public health community to ensure that environmental quality is protective of the health of all Georgians

Protect Georgia's ecosystems to sustain a variety of healthy habitats supporting a diverse and productive mix of native species

Increase our understanding of the multi-pollutant and multi-media impacts sources have on the environment. Expand the collection and reliance on real data to begin to fill known data gaps and mitigate the uncertainties associated with cause and effect of known environmental issues, such as mercury in fish and climate change.

Promote green and sustainable industries

Brownfields

Ambient Gamma monitoring and comprehensive biological monitoring at the DOE Oak Ridge Reservation

Increase public awareness of potential adverse effects of the introduction of chemicals and pesticides into groundwater systems through karst features

Region 4 Goal 5 State and Tribal Regional Issue/Priority Paper

How information was gathered

The Region sent a letter to the State Commissioners and Tribal Chiefs requesting their input on the Strategic Plan and their program priorities. Additional discussions were held between our Region 4 programs and their State counterparts. We received input from the States of North Carolina, Georgia, Florida, Alabama, Kentucky and Tennessee.

Description of key state issues/priorities

The major consistent theme among the six States which commented on enforcement issues is to give greater emphasis to compliance assistance, compliance incentives and a variety of innovative approaches to enforcement. These approaches, which are listed below by State, are being used in cooperation with effective basic enforcement programs. Two of our States specifically requested that Goal 5 be eliminated and the associated activities be incorporated into the remaining 4 goals. The other States did not make specific comments concerning the architecture.

TN

Improve compliance

- Implement incentives (monetary and regulatory) that encourage the regulated community to go beyond compliance.
- Enhance and expand TN's initiative to reduce unnecessary regulatory requirements while continuing to maintain adequate and effective controls.

Improve Environmental Performance through P2 and innovation. Incorporate these approaches throughout the Strategic Plan.

- Implement an ISO 14001 compliant EMS in 10% of TN State Parks

Enhance Science and Research

AL

Preserve air quality improvements already accomplished by increasing number of unannounced on-site audits of emission levels, and, as appropriate, stack tests.

Annually inspect every underground storage tank (UST) installation in a groundwater source water assessment area.

Inspect 100% of CWA majors per year or the equivalent coverage or a combination of major and minor facilities.

NC

NCDENR supports the ECOS letter dated July 20, 2005, from Steve Thompson, President of ECOS, to Stephen Johnson, Administrator, EPA, that recommended moving the compliance and enforcement elements of goal five into the other four goals. Should EPA retain goal 5, NCDENR includes the following priorities:

1. Environmental Stewardship Initiative (ESI)-NCDENR sponsors a program now in its third year, to recognize organizations committed to adopting meaningful environmental goals and demonstrating behavior that is “beyond compliance”. The ESI helps organizations develop functional environmental management systems (EMS) to realize true environmental stewardship. NCDENR is managing ESI to align with EPA’s Performance Track Program. These programs help achieve voluntary reductions beyond those required and often in non-regulated areas.

2. Pollution Prevention Integration - NCDENR would like to see EPA use pollution prevention strategies to meet targets under each EPA goal, as well as help implement the Pollution Prevention Act and the EPA Administrator’s P2 Policy Statement. Incorporating stewardship and pollution prevention into the core media programs may be beneficial to states as OECA moves to adopt the “State Review Framework” and its 13 elements. Currently elements 1-12 must be fully met before work related to optional element 13 will be considered. This seems a disincentive to states who need flexibility to work on innovative programs.

3. Sedimentation Pollution-North Carolina has a continuing priority to strengthen enforcement against sedimentation pollution. As the state economy grows and development continues, sedimentation impacts on water quality only increase.

4. Enforcement Strategy-NCDENR will maintain a strategy that has been put in place during the last three years to:

- have strong, fair and effective enforcement in all 21 enforcement programs
- remove legislative restrictions to the amount of penalty money NCDENR can retain as cost recovery (previously capped at 10% of the penalty amount)
- institutionalize a departmental enforcement training program that covers civil and criminal options
- produce an annual compliance report with key enforcement/compliance assistance measures

FL

Inspect each public water supply system on average at least once every two years.

Ensure that critical facilities impacting water are under permit, in compliance or under a compliance schedule.

Continue to maintain a strong and effective environmental enforcement program as the population and number of regulated facilities increase

- enhance the use of information technology
- establish a valid statewide method for determining the rate of compliance in key industrial sectors
- reduce average amount of time from SNC to formal enforcement
- integrate enforcement actions across media and regulatory programs

KY

By January 1, 2006, establish an Environmental Leadership Program that encourages entities to exceed minimum regulatory expectations and to maximize their positive environmental impacts

Implement a formalized compliance assistance program that assists entities in their efforts to understand and comply with Kentucky's environmental requirements.

Implement fair and consistent enforcement activities to ensure minimum standards are met at regulated entities